

DECLARATION, POWER OF ATTORNEY, AND PETITION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name; that

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

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described and claimed in the attached specification; I hereby state that I have reviewed and understood the contents of the above identified specification, including the claims, and I have disclosed the best mode of carrying out the invention in said specification; that the attached application in part discloses and claims subject matter disclosed in my or our earlier filed pending application Serial No. 08/275,281, filed July 12, 1994, which was a continuation of my earlier filed application Serial Number 07/966,427 filed October 26, 1992, now abandoned; that I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, Section 1.56 which states as follows:

"(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained there in disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) it establishes, by itself or in combination with other information, a prima facie case of unpatentability relied on by the Office, or
- (2) it refutes, or is inconsistent with, a position the applicant takes in:
 - (i) opposing an argument of unpatentability relied on by the Office, or
 - (ii) asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) each inventor named in the application;
- (2) each attorney or agent who prepares or prosecutes the application; and
- (3) every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application,

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor."

That as to the subject matter of the present application which is common to said earlier applications Serial No. 08/275,281, filed July 12, 1994, and Serial Number 07/966,427 filed October 26, 1992, I do not know and do not believe that the same was ever known or used in the United States of America before my or our invention thereof, or patented or described in any printed publication in any country before my or our invention thereof, or more than one year prior to said earlier applications, or in public use or on sale in the United States of America more than one year prior to said earlier applications; that said common subject matter has not been patented or made the subject of an inventor's certificate issued before the date of said earlier applications in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns more than twelve months prior to said earlier applications; and that no application for patent or inventor's certificate on said common subject matter has been filed by me or my legal representatives or assigns prior to the present application in any country foreign to the United States of America, except as follows: NONE.

That as to the subject matter of the present application which is not common to said earlier applications Serial No. 08/275,281, filed July 12, 1994, and Serial Number 07/966,427 filed October 26, 1992, I do not know and do not believe that the same was ever known or used in the United States of America before my or our invention thereof, or patented or described in any printed publication in any country before my or our invention thereof, or more than one year prior to the present application, or in public use or on sale in the United States of America more than one year prior to the present application; that said subject matter has not been patented or made the subject of an inventor's certificate issued before the date of the present application in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns more than twelve months prior to the present application; and that no application for patent or inventor's certificate on said subject matter has been filed by me or my legal representatives or assigns prior to the present application in any country foreign to the United States of America.

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I hereby appoint David L. Ray, Attorney at Law, Registration No. 25,367, with offices at 2051 Silverside Drive, Suite 205, Baton Rouge, Louisiana 70808, telephone number 504 766-2626, as my attorney in the above entitled application, with full power of substitution, association and revocation, to prosecute this application and to transact all business with the Patent Office connected herewith. Address all correspondence to David L. Ray, 2051 Silverside Drive, Suite 205, Baton Rouge, Louisiana 70808.

WHEREFORE, I pray that Letters Patent be granted to me or us for the invention or discovery described and claimed in the foregoing specification and claims, and I hereby subscribe my name to the foregoing specification and claims, declaration, power of attorney, and this petition.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

FULL NAME OF SOLE OR FIRST INVENTOR: JAMES W. YEAGER

INVENTOR'S SIGNATURE

DATE:

RESIDENCE: 316 DALEWOOD DRIVE, MOBILE, ALABAMA 36608

CITIZENSHIP: U.S.A.

POST OFFICE ADDRESS: 316 DALEWOOD DRIVE, MOBILE, ALABAMA 36608